IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY THE ELEVENTH DAY OF JULY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO.18904 of 2001

Between:
M/s.Progressive Constructions Limited
Rep.by its Project Manager Mr.Aktharuddin

..... PETITIONER

AND
The Vigilance and Enforcement Officer,
Vigilance and Enforcement Department,
Kurnool District, Kurnool and 2 others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.18904 of 2001

ORDER:

This writ petition is filed by the petitioner, seeking a Writ of Mandamus, declaring the action of the 1st respondent in assessing the seigniorage including five times penalty on the material available at the stockyard of the petitioner and also demanding the petitioner to issue cheques in favour of Assistant Director, Mines and Geology and in favour of District Panchayat Officer, Kurnool District, is illegal and arbitrary and contrary to G.O.Ms.No.23, dated 05.03.1999.

It is stated that the present writ petition was filed when a show cause notice was issued and orally there were certain demands against the petitioner.

This Court passed interim orders on 27.09.2001, and thereafter, a detailed order was passed by this Court on 22.01.2004, pointing out that the order passed by the 2nd respondent does not disclose that whether the demand made by the 2nd respondent is for the seigniorage or for the penalty. In the absence of any such orders, the respondent authorities are not entitled to make any demand. Since the petitioner has already submitted its explanation to the show cause notice, it is open to the 2nd respondent to pass appropriate orders, as observed by this Court, in its order dated 22.01.2004.

Accordingly, the Writ Petition is disposed of, in terms of orders passed by this Court on 22.01.2004. No order as to costs.

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S.ANANDA REDDY,J

Dated: 11.07.2007
Dsr